

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 14 are currently being amended.

Claims 15 and 16 are currently being added.

Applicant has amended the claims to clarify the interrelation between the components of the invention. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-16 are now pending in this application.

The Examiner issued an Office Action on June 24, 2004. Claims 1-7, 10-11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 992,819 issued to Springer. Claims 1 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,253,421 issued to Landmark. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being over Springer. Claims 8 and 9 were objected to as being dependent upon a rejected base claim, but the Examiner indicated claims 8 and 9 would be allowable if rewritten in independent form.

As such, Applicant has added new claims 15 and 16. Claim 15 corresponds to objected to claim 8, including all of the limitations of the intervening claims. Claim 16 depends from claim 15 and corresponds to objected to claim 9 which depended from claim 8. Applicant respectfully requests that newly added claims 15 and 16 be allowed as they reflect objected to claims 8 and 9, which no longer depend from a rejected claim.

In addition, claim 1 has been amended as described and illustrated in Figs. 21 and 22 and described on page 15. Applicant has amended claim 1 to further define the structural relationship between the connecting mechanism, the first member, and the second member as described on page 15, paragraph 50, and page 7, paragraph 34. In addition, Applicant has amended claim 1 to

include an adjustable plate which is slidably connected to the second member as described on page 15, paragraph 50, and page 7, paragraph 37. Finally, Applicant replaced the term slidable with rotatable in reference to the relationship of the second member to the connecting mechanism for clarification.

Also, claim 14 has been amended as described and illustrated in Figs. 21 and 22 and described on page 15. Applicant has amended claim 14 to further define the structural relationship between the connecting mechanism, the first member, the second member, and the knob as described on page 15, paragraph 50; page 5, paragraph 29; and page 7, paragraph 34. As in claim 1, Applicant replaced the term slidable with rotatable in reference to the relationship of the second member to the connecting mechanism for clarification. Furthermore, Applicant has amended claim 14 to make clear the relationship of the rotational movement of the second member with respect to the operation of the forming member in traveling a circular path as described on page 15, paragraph 51.

In rejecting claims 1-7 and 10-11, the Examiner stated “[a]pplicant claims in claim 1 a first member with a hole (6 of Springer), a second member (9) on top thereof and in sliding contact and a connecting mechanism (7, 8, 13) and a knob (11).” However, Springer does not teach an “adjusting plate having an elongated opening there through.” In fact, Springer teaches away from the use of an elongated opening, as the adjustable portion of Springer is held in position with a thumbscrew which is “adapted to engage in suitable indentures or circular recesses arranged in spaced relation to and alinement with each other directly above the scale.” Springer, Col. 2, Ln. 101-04. Furthermore, Springer does not teach an adjustment mechanism which is disposed between the second member and the knob. As can be seen from Fig. 1 of Springer, the adjustable portion of Springer passes through the second member rather than being disposed between the second member and knob. For at least these reasons, Applicant respectfully requests that the rejection be withdrawn.

In rejecting claims 1 and 12, the Examiner stated “[t]he designated parts of Landmark that fit the above [i.e. as applied to Springer] description of claimed material are (11), (14), (25).”

The Examiner further noted (13) of Landmark in rejecting claim 12. However, Landmark does not teach a first opening in the second member or “captivating the second member in a rotatable relationship with respect to the first member about a first pivot point defined by the connecting mechanism.” Landmark instead teaches away from a connecting mechanism which passes through the second member stating “[a] pivot axle 25 (see FIG. 5) is directed coaxially through the base 11 and rotatably mounted within the cylindrical mount 14.” Landmark, Col. 3, Ln. 32-34 (emphasis added). In addition, Landmark does not disclose “an adjustable plate slidably connected to the second member to allow relative motion between the adjusting plate and the second member.” Rather, Landmark describes “fixedly mounting” a support reel housing within a slot of the second member. Thus, Landmark teaches the use of a retractable measuring web which is capable of extending, but which does not slide relative to the second member. For at least these reasons, Applicant respectfully requests that the rejection be withdrawn.

Claim 12 requires “index marks that identify two perpendicular diameters on the first member to facilitate the alignment of the first member on the sheet of material.” Landmark does not teach the use of two perpendicular diameters. Rather Landmark teaches the use of marks, (indicated as 13 in the figures of Landmark) which are located around the periphery of the circular first member and do not form perpendicular diameters. In fact, Landmark specifically teaches that the marks are used “for measuring degrees of arc relative to a circle to be scribed”, not for alignment of the first member on the sheet of material. Landmark, Col. 3, Ln. 26-28. For at least these reasons, Applicant respectfully requests that the rejection be withdrawn.

In rejecting claims 13-14, the Examiner acknowledged that Springer does not teach a plurality of feet but stated “[o]bviously any part made of plural pieces would be the equivalent of a one piece part and would therefore be obvious in view thereof.”

As discussed above, Springer does not teach an adjustable plate which has an elongated opening as claimed. In addition, Springer does not disclose a connecting mechanism which passes through the first member, the second member, and the adjustable plate as claimed. Furthermore, Springer does not suggest the placement of an adjustment mechanism disposed

between the knob and the second member. Therefore, for these and the reasons stated previously, Applicant respectfully submits that the rejection be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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By 

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